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EXAMINER

CAO, DIEM K

ART UNIT

PAPER NUMBER

2194

NOTIFICATION DATE

DELIVERY MODE

01/07/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/531,209	<b>Applicant(s)</b> SATO, KOJI	
	<b>Examiner</b> DIEM K. CAO	<b>Art Unit</b> 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-17, 23, 24 and 26-32 is/are rejected.
- 7) ☒ Claim(s) 18-22 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/29/2009</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-10 and 12-32 are pending. Applicant has amended claims 1, 22 and 31.

#### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 31 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 31 is directed to computer program, i.e., software per se, which is not physical “things”. It is neither computer component nor statutory process, as it is not “acts” being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program’s functionality to be realized. In contrast, a claimed storage computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program’s functionality to be realized, and is thus statutory.

Although the claim has been amended to claim "an apparatus", however, the body of the claim is still software only.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**5. Claims 1, 3, 4, 7-10, 13, 23 and 26-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Cortright (US 6,828,989 B2).**

As to claim 1, Cortright teaches an information processing apparatus, comprising:

determining means for determining an element (data object) or procedure of an object (dynamic time strip) from a plurality of elements or procedures of the object based on time information associated with the element or the procedure, wherein each of plurality of elements or procedures has associated therewith information related to time (time dependent information elements or data objects ... As time passes, and data objects are changed ... the time strip is automatically and dynamically updated; col. 8, lines 1-17, and program modules used for dynamically displaying time dependent information or data objects using the dynamic linear time strip; col. 9, line 65 – col. 10, line 2, and time strip display module; col. 10, lines 29-30);

executing means for executing a process based on contents of the process determined by the determining means (a system and process ... display devices; col. 10, lines 8-13); and

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object management means storing the object for managing its operation and status (data store, such as, for example, an application, an electronic database, or a separate program; col. 8, lines 5-6 and lines 42-47 and col. 10, lines 13-18); wherein

in the object to be processed by the information processing apparatus, different time-restricting condition may be imposed on every uniquely identifiable element or procedure defined in the object (the time dependent data objects ... and end time associated with it; col. 8, lines 41-63), and

the determining means selects an appropriate process at a timing of applying the time information (as time passes, the time strip is dynamically updated ... adding data objects to the time strip; col. 11, lines 17-41. Thus, adding an object, or delete an object is a process to implement the adding or deleting task).

As to claim 3, Cortright teaches the determining means has object generating means for newly generating, after determination of a process related to specific contents of the element or procedure of the object by applying time information, an object based on the result of determination; and the executing means performs a process based on the generated object (Changing entries or events ... dynamically updated; Col. 15, lines 16-21. When changing entries or event, for example, change the meeting time, would generate a new event and delete the old event).

As to claim 4, Cortright teaches in the object to be processed by the information processing apparatus (dynamic time strip), a plurality of contents of elements and procedures of

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the object are prepared, the plurality of contents of elements and procedures are fully contained in the object as a single object, and contents are selectively determined by processing the time information (col. 10, line 66 – col. 11, line 16).

As to claim 7, Cortright teaches the object to be processed by the information processing apparatus has such a format of representation that a specific value or method related to its element or procedure is determined for the first time when the determining means applies the time information (col. 8, lines 53-63).

As to claim 8, Cortright teaches wherein when the determining means applies time of activation, the object to be processed by the information processing apparatus has a data value or method related to its element or procedure determined (start time, end time; col. 8, lines 53-63).

As to claim 9, Cortright teaches wherein when the determining means applies virtual time of activation, the object to be processed by the information processing apparatus has a data value or method related to its element or procedure, based on the condition, adapted and determined (col. 8, lines 24-41).

As to claim 10, Cortright teaches wherein the object to be processed by the information processing apparatus has contents of its element or procedure described in a form of time-related function, and when the determining means applies the time information, a data value or method related to its element or procedure is determined (start time, end time; col. 8, lines 53-63).

As to claim 13, Cortright teaches wherein time constraint related to an element or procedure defined in the object to be processed by the information processing apparatus is described as a condition of invalidating the corresponding element or procedure (As time passes ... removing data objects from the time strip once all times associated with those data object are earlier than the earliest time represented by the time strip; col. 11, lines 17-37).

As to claim 23, Cortright teaches the executing means has information presenting means for presenting to the user, at a timing of switching of a process based on contents of an element or procedure of the object determined by the determining means, information related to a change in the process; and at a timing when object behavior changes with time, presents information related to the change in the object behavior to the user (col. 11, lines 17-41 and col. 14, line 53 – col. 15, line 21).

As to claim 26, Cortright teaches wherein the object to be processed by the information processing apparatus realizes a user interface, and a method of displaying a component is changed in accordance with applied time information (col. 11, lines 17-37 and col. 12, lines 27-39).

As to claim 27, Cortright teaches wherein the object to be processed by the information processing apparatus realized a user interface, and a method of operation assigned to the

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component is changed in accordance with applied time information (col. 11, lines 17-37 and col. 12, lines 27-39).

As to claim 28, Cortright teaches wherein the object to be processed by the information processing apparatus realized a user interface, and at a timing when object behavior changes with time, the change in the object behavior is presented to the user by changing a component display through animation (col. 11, lines 17-37 and col. 12, lines 27-39).

As to claim 29, Cortright teaches means for performing information processing involving an object of which element or procedure can be described based on time information (a schedule meeting; col. 8, lines 61-63) and an object not dependent on time information (email message; col. 12, lines 57-65).

As to claim 30, it is the same as the apparatus claim of claim 1, except this is an information processing method, and is rejected under the same ground of rejection..

As to claim 31, it is the same as the method claim of claim 30, except this is a computer processing program, and is rejected under the same ground of rejection.

As to claim 32, it is the same as the method claim of claim 30 above, except this is a computer readable medium claim, and is rejected under the same ground of rejection.



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***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cortright (US 6,828,989 B2).**

As to claim 14, Cortright does not explicitly teach wherein in determining contents of an element or procedure related to the object to be processed, when there is not item that satisfies a time constraint, the determining means makes a notification to the object management means and any process related to the object thereafter is stopped. However, Cortright teaches the period of time represented by the time strip is user configurable, and can span any desired time interval (col. 8, lines 21-23), and the time strip automatically scrolls forward continuously as time pass, in an increment of time, such as 15 minute, 30-minutes, etc (col. 11, lines 20-28). It would have been obvious to one of ordinary skill in the art, there would be a time that there is not item that satisfies a time constraint, for example, during night time, there would be no item, thus, it is obvious that the system of Cortright also teaches wherein in determining contents of an element or procedure related to the object to be processed, when there is not item that satisfies a time constraint, the determining means makes a notification to the object management means and any process related to the object thereafter is stopped, i.e., no item is displayed.

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**8. Claims 2, 5, 6, 12, 15-17 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cortright (US 6,828,989 B2) in view of Alexander (US 6,988,128 B1).**

As to claim 2, Cortright teaches the event notification means for notifying the object management means about an event that occurs, the event notification means and the object management means each include interface means for performing an event input/output operation, and the executing means changes the process in an event-driven manner in response to the event input/output operation (a conventional calendar program ... to be dynamically updated; col. 15, lines 13-21).

Cortright does not teach event notification means registering and holding an event condition based on external information. However, Alexander teaches event notification means registering and holding an event condition based on external information (see Figs. 6 and 7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the teaching of Alexander to the system of Cortright because Alexander teaches a technique which enables electronic calendar-driven personal assistant applications to better serve their users by analyzing the calendar events and calendar information.

As to claim 5, Cortright does not teach wherein, in the object to be processed by the information processing apparatus, contents of an element or procedure of the object can be described in a format of external reference; and in determining contents of an element or procedure of an object, when any item requires external reference for resolution, the determining means requests the object management means for the resolution and determines the contents of

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processing. However, Alexander teaches wherein, in the object to be processed by the information processing apparatus, contents of an element or procedure of the object can be described in a format of external reference; and in determining contents of an element or procedure of an object, when any item requires external reference for resolution, the determining means requests the object management means for the resolution and determines the contents of processing (when an attribute indicates ... and available; col. 9, lines 41-44 and col. 17, line 28-col. 18, line 6). See claim 2 above for reason to apply the teaching of Alexander to the system of Cortright.

As to claim 6, Cortright teaches wherein the object management means has storing means (col. 10, lines 13-15), searching means for searching for an object stored in a storage area of the storing means (col. 10, lines 16-18), and communication means for obtaining information through a network (col. 7, lines 39-41).

Cortright does not teach in response to a request from the determining means, searches and obtains necessary information under control or through the network, and notifies the determining means about the contents, whereby the item requiring external reference is resolved and the contents of processing are determined. However, Alexander teaches in response to a request from the determining means, searches and obtains necessary information under control or through the network, and notifies the determining means about the contents, whereby the item requiring external reference is resolved and the contents of processing are determined (when an attribute indicates ... and available; col. 9, lines 41-44 and col. 17, line 28- col. 18, line 6). See claim 2 above for reason to apply the teaching of Alexander to the system of Cortright.

As to claim 12, Cortright teaches wherein in the object to be processed by the information processing apparatus, description simultaneously including descriptions based on a plurality of time constraints may be made as long as there is not time crossing, on every uniquely identifiable element or procedure defined in the object (col. 11, lines 2-16).

Cortright does not teach the determining means selects an appropriate process at a timing of apply the time information. However, Alexander teaches the determining means selects an appropriate process at a timing of apply the time information (col. 9, line 47 - col. 10, line 24). See claim 2 above for reason to apply the teaching of Alexander to the system of Cortright.

As to claim 15, Cortright does not teach wherein in determining contents of an element or procedure related to the object to be processed, when there is not item that satisfies a time related condition, the determining means makes a notification to the object management means and executes a process based on an object appropriately selected by the object management means. However, Alexander teaches in determining contents of an element or procedure related to the object to be processed, when there is not item that satisfies a time related condition, the determining means makes a notification to the object management means and executes a process based on an object appropriately selected by the object management means (col. 19, lines 37-41). See claim 2 above for reason to apply the teaching of Alexander to the system of Cortright.

As to claim 16, Cortright teaches wherein some of the time constraints imposed on the element or procedure defined in the object to be processed by the information processing

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apparatus may mixedly include descriptions in accordance with different scale designations; and the determining means includes means for selecting an actual process by mapping time constraints scales imposed on the element or procedure of the object to a single time axis (col. 12, lines 55-65 and col. 13, lines 1-37).

As to claim 17, Cortright does not explicitly teach wherein some of the time constraints imposed on the element or procedure defined in the object to be processed by the information processing apparatus may mixedly include description in accordance with different methods of designation including absolute time designation, relative time designation or interval designation ; and the determining means includes means for selecting an actual process by using a predetermined priority with respect to descriptions of time constraints imposed on the element or procedure of the object. However, Alexander teaches wherein some of the time constraints imposed on the element or procedure defined in the object to be processed by the information processing apparatus may mixedly include description in accordance with different methods of designation including absolute time designation, relative time designation or interval designation ; and the determining means includes means for selecting an actual process by using a predetermined priority with respect to descriptions of time constraints imposed on the element or procedure of the object (col. 14, lines 2-32). See claim 2 above for reason to apply the teaching of Alexander to the system of Cortright.

As to claim 24, Cortright does not teach wherein the object management means registers a timing of determining contents of the element or procedure related to the object by the

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determining means in the event notification means beforehand, to perform scheduling of the timings of determining operations thereafter. However, Alexander teaches the object management means registers a timing of determining contents of the element or procedure related to the object by the determining means in the event notification means beforehand, to perform scheduling of the timings of determining operations thereafter (col. 13, lines 16-51). See claim 2 above for reason to apply the teaching of Alexander to the system of Cortright.

#### ***Allowable Subject Matter***

9. Claims 18-22 and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

10. Applicant's arguments filed 10/6/2009 have been fully considered but they are not persuasive.

In the remarks, Applicant argued in substance that (1) Cortright does not teach “determining means for determining an elements or procedure of an object from a plurality of elements or procedures of the object based on time information associated with the element or the procedure, wherein each of plurality of elements or procedures has associated therewith information related to time”, because Cortright teaches a time dependent data object that may be displayed on a time strip, and at any one time, there is only one set of information associated with the object.

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Examiner respectfully disagrees with the arguments:

As to the point (1), Cortright teaches determining means for determining an element (data object) or procedure of an object (dynamic time strip) from a plurality of elements or procedures of the object based on time information associated with the element or the procedure, wherein each of plurality of elements or procedures has associated therewith information related to time (time dependent information elements or data objects ... As time passes, and data objects are changed ... the time strip is automatically and dynamically updated; col. 8, lines 1-17, and program modules used for dynamically displaying time dependent information or data objects using the dynamic linear time strip; col. 9, line 65 – col. 10, line 2, and time strip display module; col. 10, lines 29-30). Examiner clarifies to show the object is the dynamic time strip, and the elements of the object are data objects. Applicant is noted that since the claim language recites "element or procedure", meeting only "element" still meets the claim language.

Therefore, the arguments are not persuasive, and the rejection is maintained.

### ***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DIEM K. CAO whose telephone number is (571)272-3760. The examiner can normally be reached on Monday - Friday, 7:30AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DIEM K CAO/  
Primary Examiner  
Art Unit 2194

DC  
December 31, 2009